

REMARKS

Upon entry of the present amendment, claims 1-6 will have been cancelled while claims 7-27 will have been submitted for consideration.

In view of the herein contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of each of the outstanding rejections set forth in the above-mentioned Official Action together with an indication of the allowability of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicants wish to respectfully thank the Examiner for accepting the drawings filed in the present application on July 9, 2004.

However, Applicants note that they filed, on September 13, 2004, a Supplemental Claim of Priority together with a certified copy of Korean Application No. 10-2003-0004207, which was filed on January 22, 2003. By such filing, Applicants have supported their Claim for Priority under 35 U.S.C. § 119 contained in the Declaration filed in the present application on April 2, 2004. Accordingly, the Examiner is respectfully requested to acknowledge Applicants Claim for Foreign Priority as well as receipt of the certified copy supporting such Claim for Foreign Priority.

In the outstanding Official Action, the Examiner rejected claims 1-4 and 6 under 35 U.S.C. § 102(b) as anticipated by BANICEVIC et al. (U.S. Patent No. 6,199,400). Applicants respectfully traverse the above rejection and submit that it is inappropriate.

The present invention relates to a refrigerator including freezing and cooling chambers each of which is configured to provide at least one space for receiving an article. The present invention also includes an evaporator, and a cooling air transmitter

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that transmits cooling air that has been heat exchanged with the evaporator towards at least one of the freezing and cooling chambers. The transmitter includes a blower fan. A partition is provided between the freezing and cooling chambers, the partition being configured to define a predetermined space therein and to provide a cooling air outlet to at least one of the freezing and cooling chambers. The evaporator and the blower fan are positioned within the predetermined space provided within the partition, the predetermined space defining a cooling air passage. The evaporator, the blower fan and the cooling air outlet from the predetermined space to at least one of the freezing and cooling chambers are arranged in this order from a lower portion of the predetermined space.

It is respectfully submitted that the combination of features recited in, e.g., Applicants newly submitted claim 7 is not taught, disclosed nor rendered obvious by any of the references cited by the Examiner and certainly not by the BANICEVIC et al. reference relied upon to reject claims 1-4 and 6 under 35 U.S.C. § 102(b).

BANICEVIC et al. discloses a refrigerator with a cooling and freezing compartment as well as a damper control and lighting assembly housing. The evaporator as well as the evaporator fan are each described as "not shown" (column 3, lines 63-66). Accordingly, BANICEVIC et al. can certainly not disclose the combination of features recited in Applicants claim 7.

In this regard, Applicants note that according to the teachings of the present invention, and as shown in a non-limiting example of Fig. 6, the evaporator 7, blower fan 9 and outlets 11 are arranged in this order from a lower portion of the predetermined space. It is quite clear, at least from the above-cited portion of BANICEVIC et al., that

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BANICEVIC et al. cannot disclose at least the above-noted combination of features, in the claimed combination of claim 7. Accordingly, at least for this reason, it is respectfully submitted that BANICEVIC et al. cannot disclose the combination of features recited in Applicants claims. An action to such effect, in due course, is respectfully requested.

In addition, the various newly submitted dependent claims provide yet additional basis for the patentability thereof in addition to the basis for patentability resulting from their dependence from a shown to be allowable claim.

In the outstanding Official Action, the Examiner rejected claim 5 under 35 U.S.C. § 103 as unpatentable over BANICEVIC et al. in view of JEONG et al. (U.S. Patent No. 6,055,820). The Examiner asserted that a narrow part of the path is shown at column 14, lines 12-15 of JEONG et al. Applicants respectfully traverse the above rejection and submit that it is inappropriate, particularly as applied against newly submitted claims 10, 15 and 22.

In particular, in column 14, JEONG et al. discloses that the first and second linking paths 37 and 38 have wide inlets connected to each first and second passage portions 35 and 36 and narrow outlets each connected to discharging aperture 16. The purpose of this particular design is "so that the cooling air flowing into the lower direction is smoothly introduced into the linking paths along the round portion while the cool air is partially blocked by flanges" (column 14, lines 19-22). Accordingly, the narrowing disclosed by JEONG et al. and to which the Examiner makes reference, is nothing more than a change shape to smooth the air flow but is not disclosed as changing the velocity, as recited in Applicants claims. Accordingly, for this additional reason, the

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Examiner's rejection based on the combined teachings of the disclosures of BANICEVIC et al. and JEONG et al. is inadequate and insufficient to render unpatentable any of the claims in the present application.

Moreover, JEONG et al. also does not disclose the above-noted combination of features recited in Applicants' claim 7. In this regard, Fig. 5a of JEONG et al. does not disclose the evaporator, fan and outlet arranged in this order from a lower portion of a predetermined space. Rather, each of these elements is arranged in the upper portion of a space in the back wall of the freezing compartment.

Moreover, the Examiner has not provided a proper motivation for the combination of the features of BANICEVIC et al. and JEONG et al. Merely because JEONG et al. appears to teach a passage with a narrow portion, provides no motivation as to why one of ordinary skill in the art would incorporate such a feature into the refrigerator of BANICEVIC et al. It is not apparent that there is any need for this feature or that this feature would satisfy any shortcoming or deficiency of BANICEVIC et al.

Accordingly, for each of the above reasons and certainly for all of the above reasons, it is respectfully submitted that the Examiner's rejections are inappropriate. Accordingly, reconsideration of the same and a withdrawal of each of the outstanding rejections is respectfully requested, in due course, in view of the herein contained amendments and remarks.

SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have canceled the previously pending claims and have submitted new claims 7-27 for consideration. Applicants have further discussed the disclosure of each of the references cited by the Examiner and have pointed out the shortcomings and deficiencies thereof with respect to the claims now pending in the present application. Applicants have further discussed the features of the present invention and have shown how these features, in the claimed combinations, are missing from the references applied by the Examiner, both individually and in the proposed combination. Additionally, Applicants have pointed out the lack of proper motivation for the Examiner's proposed combination.

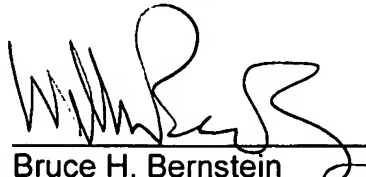
Accordingly, Applicants have provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully request an indication to such effect in due course.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.

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Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
Moo Youl KIM et al.



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